

**DECLARATION - USA PATENT APPLICATION**

I, a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled ENDO-TRACHEAL TUBE SECUREMENT SYSTEM; the specification of which was filed on **April 16, 2004** as Application Serial No. **10/826,689**.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56;

I hereby claim the benefit under Title 35, United States Codes § 119(e) of any United States provisional application(s) listed below.

Application No.: 60/328,727

Filing Date: October 11, 2001

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below, and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Prior U.S.A. Application(s)

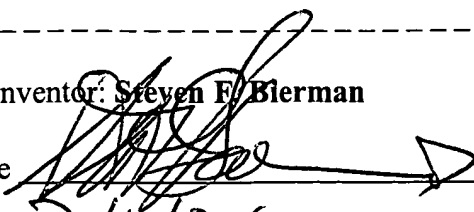
Application No.: 10/270,883

Filing Date: **October 11, 2002**

Status: **Pending**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole inventor: **Steven F. Bierman**

Inventor's signature 

Date 7/6/04

Residence: **143 Eighth Street, Del Mar, CA 92014**

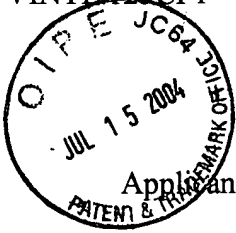
Citizenship: **United States**

Mailing Address: **143 Eighth Street, Del Mar, CA 92014**

---

Send Correspondence To:  
**KNOBBE, MARTENS, OLSON & BEAR, LLP**  
**Customer No. 20,995**

S:\DOCS\VFH\VFH-4523.DOC  
052604



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Steven F. Bierman )  
App. No. : 10/826,689 )  
Filed : April 16, 2004 )  
For : ENDO-TRACHEAL TUBE )  
SECUREMENT SYSTEM )  
Examiner : Unknown )

ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION  
AND  
REVOCATION AND POWER OF ATTORNEY

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). A true copy of the original Assignment of the above-captioned application from the inventor(s) to the Assignee is attached hereto. This Assignment represents the entire chain of title of this invention from the Inventor(s) to the Assignee.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

The undersigned hereby revokes any previous powers of attorney in the subject application, and hereby appoints the registrants of Knobbe, Martens, Olson & Bear, LLP, 2040 Main Street, Fourteenth Floor, Irvine, California 92614, Telephone (949) 760-0404, **Customer No. 20,995**, as its attorneys with full power of substitution and revocation to prosecute this

**App. No.** : 10/826,689  
**Filed** : April 16, 2004

application and to transact all business in the U.S. Patent and Trademark Office connected herewith. This appointment is to be to the exclusion of the inventor(s) and his attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

Please use **Customer No. 20,995** for all communications.

Dated: \_\_\_\_\_

7/6/04

VENETEC INTERNATIONAL, INC.

By: \_\_\_\_\_

Steven F. Bierman

Title: Founder, Chief Medical Officer

Address: 12555 High Bluff Drive, Suite 170  
San Diego, CA 92130

S:\DOCS\FH\FH-4525.DOC  
052604

COPY

- DO NOT RECORD -

PATENT

Client Code: VINTL.125CP1

Page 1

Application No.: 10/826,689

Filing Date: April 16, 2004

ASSIGNMENT

WHEREAS, I, Steven F. Bierman, a United States citizen, residing at 143 Eighth Avenue, Del Mar, California 92014, have invented certain new and useful improvements in a ENDO-TRACHEAL TUBE SECUREMENT SYSTEM for which I have filed an application for Letters Patent in the United States, Application No. 10/826,689, Filing Date April 16, 2004;

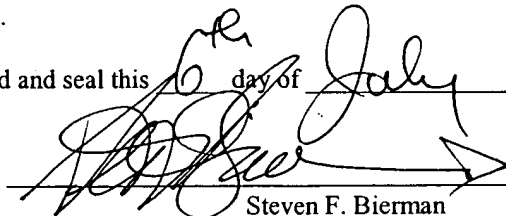
AND WHEREAS, Venetec International, Inc. (hereinafter "ASSIGNEE"), a Delaware corporation, with its principal place of business at 12555 High Bluff Drive, Suite 170, San Diego, California 92130, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, I, the said inventor, do hereby acknowledge that I have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all provisional applications relating thereto, and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and I hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND I DO HEREBY sell, assign, transfer, and convey to ASSIGNEE, his successors, legal representatives, and assigns all claims for damages and all remedies arising out of any violation of the rights assigned hereby that may have accrued prior to the date of assignment to ASSIGNEE, or may accrue hereafter, including, but not limited to, the right to sue for, collect, and retain damages for past infringements of the said Letters Patent before or after issuance.

AND I HEREBY covenant and agree that I will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to me respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 16 day of July, 2004.

  
Steven F. Bierman

STATE OF

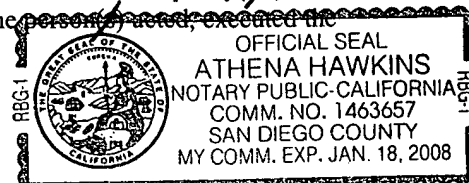
ss.

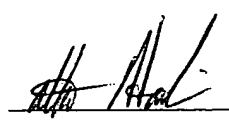
COUNTY OF

On 7/6/04, before me, Athena Hawkins, Notary Public, personally appeared Steven F. Bierman personally known to me (~~or proved to me on the basis of satisfactory evidence~~) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



  
Notary Signature